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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [TO](#) [KDEM](#)
SUBJECT: TOGO: FINAL NEGOTIATIONS OF THE NATIONAL DIALOGUE
PRODUCE AN ENCOURAGING ACCORD

REF: A. LOME 798

[1](#)B. LOME 737

Classified By: Poloff Rona Rathod for reasons 1.4(b) and (d).

[1](#)1. (U) Summary. This cable continues reporting from ref [1](#)A. Although talks in Ouagadougou were difficult, the Togolese ruling party made significant concessions, and Blaise Compaore proved a worthy facilitator. Provisions of the comprehensive political agreement that emerged in Ouagadougou attempt to guarantee free and fair legislative elections, which are viewed widely as crucial for future progress toward ending Togo's long political crisis. All constitutional reforms are left to a future government, to be formed after the legislative elections in late 2007. In the interim, the agreement establishes a government of national union that will oversee reforms in a number of key areas. The new accord provides for a permanent body to discuss national issues and a follow-up committee to monitor implementation, chaired by Compaore, who also will serve as final arbitrator. The agreement also formulates a mechanism to help repatriate refugees. Although the accord lacks details, most notably about selecting a new prime minister, it has heralded a new esprit in Togo. End summary.

ARDUOUS BUT FRUITFUL TALKS

[1](#)2. (C) By all accounts, the definitive phase of negotiations proved as difficult as the initial stages. Pervasive mistrust between the opposition and ruling RPT (Rally of the Togolese People) resurfaced during the negotiations in Ouagadougou and continues to linger even after the signing of the accord. Party representatives admitted that the decision to move the talks to Ouagadougou and place them under the aegis of someone without a vested interest in Togolese politics was one of the principal reasons that all parties signed the comprehensive political agreement (Accord Politique Global). The fact that a non-Togolese oversaw the process provided enough assurances to each side that no party to the talks could later claim it did not fully grasp a certain provision and ask that it be amended or ignore it altogether, as has occurred in the past. Despite the hesitation of some opposition leaders, notably from the UFC (United Forces of Change), over the appointment of Burkina Faso president Blaise Compaore as the facilitator, the respect that he commanded among the Togolese parties ultimately assured a fairly quick resolution to the

negotiations.

¶3. (C) Probably at Togolese president Faure Gnassingbe's insistence, the RPT approached the Ouagadougou talks with a greater spirit of compromise than existed in the initial, Togolese only, negotiating round. RPT members made real concessions, acquiescing to the inclusion of points certain to disrupt the status quo and resisting pushing for their most controversial ideas. At one point during the talks, RPT representatives became very nervous about the process as a result of statements made by UFC special advisor Eric Amerding about the UFC's power to make the RPT concede certain difficult points. Regardless of Amerding's perceived hubris, it was, in fact, the UFC's resilient lobbying that ensured that opposition ideas, specifically about forming a government of national unity, appeared in the final text. (Comment. The presence of Amerding and UFC president Gilchrist Olympio Amerding's brother-in-law), who both reside in France, at the talks in Ouagadougou suggests that Olympio did not have complete confidence in the local leadership to make the right decisions. End Comment.)

ANALYSIS OF THE AGREEMENT

¶4. (U) Many of the elements included in the comprehensive accord remain unchanged from reporting in reftels. Therefore, the following discusses previously controversial points.

¶5. (C) Elections. One of the most beneficial provisions for the opposition concerns the quashing of existing constitutional amendments regarding eligibility to stand as a candidate in national elections. These amendments, imposed by former president Gnassingbe Eyadema to deny certain

opposition members the opportunity to run for national public office, required residing in Togo for a specified period of time and officially renouncing any claims of citizenship outside of Togo. These provisions will not be applied to candidates in the upcoming national elections, paving the way for many opposition members with dual citizenship or who are living in self-imposed exile to throw their hats in the ring.

¶6. (C) A reconstituted electoral commission will be charged with organizing the elections with the support of the government. This ostensibly independent body will be composed of five members of the RPT, two from each of the other five political parties participating in the dialogue, one from each of the civil society groups involved in the talks, and two non-voting members of the government. Though this does not differ from the stipulations of the previous interim agreement (ref B), this new agreement requires that the commission make decisions by consensus rather than vote. Apparently, the UFC insisted on this wording, as well as the non-voting status of the government to counterbalance the superior RPT presence on the commission.

¶7. (U) The electoral commission will no longer be involved in resolving election disputes. Any challenges concerning candidacy, voting procedures, and election results will be heard by the Constitutional Court, which the accord asks be reconstituted as a more professional, credible, and independent body. This accord also accepts that national as well international observers may monitor each stage of the electoral process (the previous agreement only allowed for international observers). The document also encourages political parties and the government to consider increasing the role of women in politics, but did not offer any numerical guidelines or quotas.

¶8. (U) Security. Parties to the dialogue asked the government to take all measure to ensure that security forces refrain from interfering in politics and concomitantly, asked that political parties refrain from provoking the security forces. The concept of a "republican" army, i.e., ethnically

and regionally diverse, was spelled out in the agreement as a necessary change, as was a separation of roles between the army (national defense) and the police and gendarmes (domestic order).

¶9. (U) Refugees. All parties have agreed to work quickly to bring home refugees who fled after the contentious presidential election of 2005. They will participate in an ad hoc committee to assist the Togolese office charged with repatriating refugees from Ghana and Benin by acting as liaisons between the refugees and the government.

¶10. (U) Constitutional Reforms. The document leaves constitutional reforms, such as the nomination and responsibilities of the prime minister, conditions of eligibility to run for president, limits on presidential terms, the possibility of creating a Senate, and reform of the Constitutional Court to the government that will take shape after the next legislative election.

¶11. (C) Reconciliation Commission. The accord calls for the creation of a reconciliation commission which could offer pardons to past transgressors. The parties to the dialogue appear to have recoiled from calling for judicial punishment for prior bad acts and from specifying how far back in the past the punishments would apply. Although not included in the accord, it seems likely that a compensation mechanism, if it can find donor support, will be put into effect for property losses from violence surrounding political events in recent years.

¶12. (U) Final Arrangements. As reported in ref A, the parties to the dialogue have agreed to form a government of national union (GNU). This GNU will conduct business according to a roadmap laid out in Annex Two of the accord. The GNU will mostly begin implementing the terms of the comprehensive agreement. Accordingly, the GNU will revise the electoral code in conformity with provisions of the accord and formulate an election calendar specifying when the electoral commission will come into being. It will also, among other things, engage refugees and ensure that security forces adhere to norms of a "republican and nationally representative military."

¶13. (C) The GNU will also specify the mandate and composition of a permanent dialogue body, to whom the accord has assigned the task of reviewing subjects of national interest. A follow-up committee, to include a representative of each party to the dialogue, the European Union, and ECOWAS, and presided over by the facilitator (President Compaore) or his agent, will oversee the implementation of the accord. Differing interpretations of the accord will be put to the facilitator (Compaore) for final arbitration. These mechanisms built into the accord to guarantee its proper implementation are a feature that did not exist in previous Togolese political agreements and were very likely an important driving force behind global acceptance of the document.

CONCLUSIONS

¶14. (C) The main weakness in this new accord, as in the previous, interim version, is that it lacks details and leaves much to the government to undertake -- even though that government now will include all the opposition elements. Constitutional and military reforms, arguably two of the most contentious topics, have been left in the hands of the GNU. Considering how much time and energy was spent on formulating this accord within the constrained structure of the national dialogue, these more controversial matters could prove difficult to settle within a larger government, particularly if the spirit of consensus that characterized the dialogue falters.

¶15. (C) As has been the case throughout the national dialogue, the question of who will receive the prime

ministership is on everyone's mind. It is fairly certain that incumbent Edem Kodjo, appointed by Faure after last year's flawed elections, will be asked to step down. The names of CAR (Action Committee for Renewal) president and dialogue chair Yawovi Agboyibo, UFC vice president Patrick Lawson, Eric Amerding, and CDPA (Democratic Convention of African Peoples) president Leopold Gnininvi are being mentioned as possible candidates. The ultimate decision rests with Faure, who will be under pressure from his hardline RPT backers. Enduring suspicion of the ruling party has caused some opposition members to lament the hasty signing of the accord without specificity on who the prime minister will be.

¶16. (C) Despite the limitations of this accord, there is a sense of a new era and new spirit in Togo. The fact that the document, unlike similar agreements with the opposition in years past, was made public two days after its signing signals a change in mindset on the part of the authorities and has given Togolese hope that politicians have turned over a new leaf and are willing to be inclusive and transparent and work towards fundamental improvements.

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